

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
(609) 989-2040

CHAMBERS OF
TONIANNE J. BONGIOVANNI
UNITED STATES MAGISTRATE JUDGE

U.S. COURTHOUSE
402 E. STATE STREET, RM 6052
TRENTON, NJ 08608

April 25, 2013

LETTER ORDER

Re: Patrick Collins, Inc. v. John Does 1-13
Civil Action No. 12-7620 (PGS)

Dear Counsel:

Currently pending before the Court is Defendants John Doe #2 and John Doe #3's ("Defendants") Motions to Quash, Sever and Dismiss the Complaint against them in this matter. [Docket Entry Nos. 8, 10]. These motions were filed when all thirteen defendants were still parties to this case. However, in the time since the motions were filed, Plaintiff Patrick Collins, Inc. has voluntarily dismissed all the remaining defendants, leaving only Does 2 and 3.

The Court finds that the procedural posture of this case was significantly different when the above motions were filed and further, that such motions were filed as a result of same. Indeed, the Court finds that such motions would be construed quite differently in the context of the proceedings as they stand now. Therefore, the motions shall be DENIED WITHOUT PREJUDICE at this juncture with the Court permitting same to be refiled if Defendants find that refiling the motions is warranted by the current stage of the proceedings. To the extent Defendants intend to refuel similar motions, they are directed to do so no later than May 15, 2013.

IT IS SO ORDERED.

**IT IS FURTHER ORDERED THAT THE CLERK OF THE COURT TERMINATE
THE AFOREMENTIONED MOTIONS [DOCKET ENTRY NOS. 8, 10]
ACCORDINGLY.**

s/ Tonianne J. Bongiovanni
TONIANNE J. BONGIOVANNI
United States Magistrate Judge